

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DIANNE MARTRAY,	)	
	)	
Plaintiff,	)	Case No. 2:16-cv-1363
	)	
v.	)	Chief Judge Joy Flowers Conti
	)	Magistrate Judge Lisa Pupo Lenihan
TRANSAMERICA PREMIER LIFE	)	
INSURANCE COMPANY, <i>formerly</i>	)	ECF No. 3
<i>known as</i> MONUMENTAL LIFE	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION**

The complaint in the above-captioned case was received by the Clerk of Court on September 2, 2016, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The magistrate judge's Report and Recommendation (ECF No. 13), filed on October 7, 2016, recommended that the motion to dismiss (ECF No. 3) filed by defendant Transamerica Premier Life Insurance Company ("defendant") be denied. Service was made on all counsel of record. The parties were informed that, in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, they had fourteen days to file any objections. Defendant filed timely objections to the Report and Recommendation (ECF No. 14), to which plaintiff Dianne Martray ("plaintiff") filed a timely response. (ECF No. 15).

Because defendant's objections raise issues not addressed in the Report and Recommendation, the Report and Recommendation will not be adopted and this case is hereby remanded to the magistrate judge to address these issues in a Report and Recommendation.

IT IS SO ORDERED.

Dated: December 22, 2016

/s/ Joy Flowers Conti  
Joy Flowers Conti  
Chief United States District Judge

cc: All Counsel of Record  
*Via CM/ECF Electronic Mail*